

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS PROPERTY CASUALTY COMPANY  
OF AMERICA a/s/o Ethical Culture Fieldston School  
and Ethical Culture Fieldston,

07CV11178

Plaintiffs,

- against -

**ANSWER TO  
CROSS-CLAIMS**

TISHMAN CONSTRUCTION CORPORATION  
OF NEW YORK, JOHN CIVETTA & SONS, INC.,  
AMBROSINO, DEPINTO, SCHMIEDER  
CONSULTING ENGINEERS, P.C., MUNOZ  
ENGINEERING & LAND SURVEYING, P.C.,  
COOPER, ROBERTSON & PARTNERS, LLP,  
and LANGAN ENGINEERING AND  
ENVIRONMENTAL SERVICES, INC.

Defendants.

-----X

DEFENDANT, JOHN CIVETTA & SONS, INC., ("CIVETTA") by and through its attorneys  
RUBIN, FIORELLA & FRIEDMAN LLP, as and for its answer to the cross-claims of Co-Defendant  
Tishman Construction Company of New York, dated February 6, 2008, upon information and belief,  
as follows:

**ANSWERING THE FIRST CROSS-CLAIM**

1. Denies each and every allegation contained in the paragraph of the cross-claim  
designated "10", as they refer to this Defendant, and denies knowledge and information sufficient  
to form a belief on to the truthfulness of the allegations therein, as they refer to any other  
Defendant.

2. Denies each and every allegation contained in the paragraph of the cross-claim

designated "11", as they refer to this Defendant, and denies knowledge and information sufficient to form a belief on to the truthfulness of the allegations therein, as they refer to any other Defendant.

**ANSWERING THE SECOND CROSS-CLAIM**

3. Denies each and every allegation contained in the paragraph of the cross-claim designated "12", as they refer to this Defendant, and denies knowledge and information sufficient to form a belief on to the truthfulness of the allegations therein, as they refer to any other Defendant.

4. Denies each and every allegation contained in the paragraph of the cross-claim designated "13", as they refer to this Defendant, and denies knowledge and information sufficient to form a belief on to the truthfulness of the allegations therein, as they refer to any other Defendant.

**ANSWERING THE THIRD CROSS-CLAIM**

5. Denies each and every allegation contained in the paragraph of the cross-claim designated "14", as they refer to this Defendant, and denies knowledge and information sufficient to form a belief on to the truthfulness of the allegations therein, as they refer to any other Defendant.

6. Denies each and every allegation contained in the paragraph of the cross-claim designated "15", as they refer to this Defendant, and denies knowledge and information sufficient to form a belief on to the truthfulness of the allegations therein, as they refer to any other Defendant.

**ANSWERING THE FOURTH CROSS-CLAIM**

7. Denies each and every allegation contained in the paragraph of the cross-claim designated "16", as they refer to this Defendant, and denies knowledge and information sufficient to form a belief on to the truthfulness of the allegations therein, as they refer to any other Defendant.

8. Denies each and every allegation contained in the paragraph of the cross-claim designated "17", as they refer to this Defendant, and denies knowledge and information sufficient to form a belief on to the truthfulness of the allegations therein, as they refer to any other Defendant.

9. Denies each and every allegation contained in the paragraph of the cross-claim designated "18", as they refer to this Defendant, and denies knowledge and information sufficient to form a belief on to the truthfulness of the allegations therein, as they refer to any other Defendant.

WHEREFORE, JOHN CIVETTA & SONS, INC., demands judgment dismissing the complaint herein as against it and further demand that the ultimate rights of this defendant and the co-defendants TISHMAN CONSTRUCTION CORPORATION OF NEW YORK, AMBROSINO, DEPINTO, SCHMIEDER CONSULTING ENGINEERS, P.C., MUNOZ ENGINEERING & LAND SURVEYING, P.C., COOPER, ROBERTSON & PARTNERS, LLP, and LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC., as between themselves, be determined, and that JOHN CIVETTA & SONS, INC., have judgment against these co-defendants for all, or that portion of any verdict or judgment which may be obtained herein by the plaintiff against this answering defendant to the extent that the

responsibility of the co-defendants contributed to plaintiff's loss, together with the costs and disbursements of this action.

Dated: New York, New York  
February 21, 2008

Yours truly,

RUBIN FIORELLA & FRIEDMAN, LLP,



By: Patrick J. Corbett Esq.  
RUBIN, FIORELLA & FRIEDMAN LLP  
Attorneys For John Civetta & Sons, Inc.  
292 Madison Avenue, 11<sup>th</sup> Floor  
New York, NY 10017  
(212) 953-2381  
Our File No.: 587-10174

To:

Kaufman Borgeest & Ryan LLP  
Stephanie B. Gitnik, Esq. (SG 3977)  
Michael P. Mezzacappa (MM 0757)  
Attorneys for Defendant  
MUNOZ ENGINEERING & LAND  
SURVEYING, P.C.  
200 Summit Lake Drive, First Floor  
Valhalla, NY 10595  
914-741-6100  
File No.: 726.006

Robert C. Sheps, Esq.  
Sheps Law Group, P.C.  
35 Pinelawn Road, Suite 106E  
Melville, NY 11746

Mark S. Krieg, Esq.  
Krieg Associates, P.C.  
Attorneys for COOPER,  
ROBERSON & PARTNERS, LLP

5 Heather Court  
Dix Hills, NY 11746  
631-499-8406

Thomas H. Kukowski, Esq. (TK-1749)  
Leonardo D'Allessandro (LD-0688)  
Milber Makris Plousadis & Seiden, LLP  
Attorneys for AMBROSINO, DEPINTO &  
SCHMIEDER CONSULTING ENGINEERS, P.C.  
3 Barker Avenue, 6<sup>th</sup> Floor  
White Plains, NY 10601  
914-681-8700

William Bennett, III, Esq.  
Bennett, Giuliano, McDonnell & Perrone, LLP  
Attorneys for TISHMAN CONSTRUCTION  
CORPORATION OF NEW YORK  
494 Eighth Avenue, 7<sup>th</sup> Floor  
New York, NY 10001  
646-328-0120

Langan Engineering and Environmental Services, Inc.  
21 Penn Plaza  
360 West 31<sup>st</sup> Street, 8<sup>th</sup> Floor  
New York, NY 10001-2727

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
                                  )ss.:  
COUNTY OF NEW YORK )

**CHERYL ZALTSMAN**, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides in Brooklyn, New York.

That on the 21<sup>st</sup> day of February, 2008, deponent served the within **ANSWER TO**

**CROSS-CLAIMS** via Regular Mail upon:

Kaufman Borgeest & Ryan LLP  
Stephanie B. Gitnik, Esq. (SG 3977)  
Michael P. Mezzacappa (MM 0757)  
Attorneys for Defendant  
MUNOZ ENGINEERING & LAND  
SURVEYING, P.C.  
200 Summit Lake Drive, First Floor  
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Robert C. Sheps, Esq.  
Sheps Law Group, P.C.  
35 Pinelawn Road, Suite 106E  
Melville, NY 11746

Mark S. Krieg, Esq.  
Krieg Associates, P.C.  
Attorneys for COOPER,  
ROBERSON & PARTNERS, LLP  
5 Heather Court  
Dix Hills, NY 11746  
631-499-8406

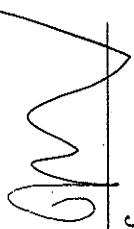
Thomas H. Kukowski, Esq. (TK-1749)  
Leonardo D'Alessandro (LD-0688)  
Milber Makris Plousadis & Seiden, LLP  
Attorneys for AMBROSINO, DEPINTO &  
SCHMIEDER CONSULTING ENGINEERS, P.C.  
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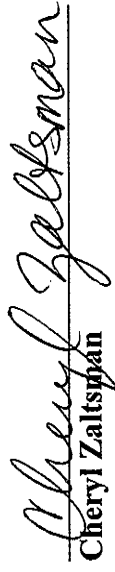
Langan Engineering and Environmental Services, Inc.  
21 Penn Plaza  
360 West 31<sup>st</sup> Street, 8<sup>th</sup> Floor  
New York, NY 10001-2727

in this action at the address designated by said attorneys for that purpose by depositing same  
enclosed in a post-paid properly addressed wrapper, in an office depository under the exclusive  
care and custody of the United States Postal Service within the State of New York.

Sworn to before me this  
21<sup>st</sup> day of February, 2008



Notary Public

  
Cheryl Zaltsman

**PATRICK J. CORBETT**  
Notary Public, State of New York  
Reg. No. 02006118029  
Qualified in Westchester County  
My Commission Expires November 1, 2011 



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ANSWER TO CROSS-CLAIMS

RUBIN, FIORELLA & FRIEDMAN LLP  
*Attorneys for Defendant*  
292 Madison Avenue, 11<sup>th</sup> Floor  
New York, New York 10017  
(212) 953-2381  
Our File No. 587-10174

To:

Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Notice of Entry

that the within is a (certified) true copy of a  
of the within named Court on

Notice of Settlement

that an order of which the within is a true copy, will be presented for settlement to the  
HON. , one of the judges of the within named Court, on

2007 at \_\_.m.

duly entered in the Office of the Clerk

Dated:

Yours, etc.,

RUBIN, FIORELLA & FRIEDMAN LLP  
*Attorneys for Defendant/Third-Party Plaintiff*  
292 Madison Avenue, 11<sup>th</sup> Floor  
New York, New York 10017  
(212) 953-2381

To:

Attorney(s) for